

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

EIJA HEWARD,)
Plaintiff,)
vs.) C. A. No. 04-12038JLT
CITY OF BROCKTON)
BROCKTON PUBLIC SCHOOLS AND)
DONALD BURRELL, AS PRINCIPAL OF EAST)
JUNIOR HIGH SCHOOL, CITY OF BROCKTON)
Defendants.)

AFFIDAVIT OF EIJA HEWARD
IN OPPOSITION OF DEFENDANTS'
MOTION TO DISMISS

I, Eija Heward, the Plaintiff in the above-entitled matter hereby state the following:

1. As a result of an incident in late February or early March, 2000, in which the Principal of East Junior High School, Donald Burrell, in the Brockton school system, said I made him look bad in front of a parent, I have been subjected to a steady stream of abuse and a pattern of discrimination by Mr. Burrell, culminating in my termination on June 20, 2002.

2. For more than two years Mr. Burrell did everything he could to damage my professional reputation and contrive means to make my job more difficult.

3. When I tried to transfer to another school Mr. Burrell went through extraordinary steps to insert himself into the interview selection process to block my chances of leaving his school so he could terminate me instead.

4. Mr. Burrell managed my supervisors to insure I would receive bad performance evaluations.

5. Prior to working for Mr. Burrell, I had an excellent record of performance at other schools.

6. Mr. Burrell tampered with my personnel file by removing or refusing to file rebuttal letters I wrote in regard to false, prejudicial evaluations, which were engineered by him.

7. The women in the school have expressed a fear of Mr. Burrell and a chauvinistic attitude in the school system. One teacher warned me that “He destroys women” in referring to Mr. Burrell. No male teacher has ever been subjected to the humiliating treatment that I have. The women teachers are afraid to speak up against Mr. Burrell for fear of losing their jobs. He has methodically discriminated against all the women employees by intimidating them and especially me. If I were a man teaching at his school I never would have been treated the way I was.

8. In February of 2000 I went to Dallas, Texas when my brother had a cardiac arrest. It was my first year of employment with Brockton Public schools. My brother died and I was gone two weeks. During that time there was a meeting with one of my most notoriously hostile parents. The meeting for some reason was not cancelled in my absence and Mr. Burrell met with her. When I returned, Gail Fulginiti, my co-worker, told me Mr. Burrell was very angry about having to meet with the parent. Another meeting with the parent, Mrs. Grossman, was set up. During that meeting, Mrs. Grossman was very unkind concerning my brother’s death. I was still heavy in grief and emotionally “shut down” and became silent.

9. Afterward Mr. Burrell called me into his office to threaten me saying I made him look bad and that I would pay dearly for it. This happened in late February or early March of 2000.

10. Mr. Molanson, my SPED Director, who had in the past given me a good evaluation, shouted, red faced at me following the next evaluation. (Approximately mid April 2000). He follows orders from Mr. Burrell.

11. Mr. Burrell started to intimidate me in various ways over the next two years, ordering me to resign repeatedly. The only reason I got a contract for the next year was because I threatened to go to the school board to tell my story. I received my contract the very last hour of the last day of school.

12. I soon saw that Mr. Burrell was systematically destroying my professional record. I used the only right I thought I had, which was to write a rebuttal letter after each evaluation. Mr. Molanson retired and another director, Mr. Stack, gave me the worst possible evaluation on his first visit. I asked if he had seen my rebuttal. He knew nothing of it since Mr. Burrell never allowed it to be filed with my personnel record as required. I gave him a copy.

13. Other attempts to stop this harassment over the more than two years included repeated visits to the teachers union, a meeting and a letter to the superintendent, Mr. Bage, and meetings with the human Resources person, Kathleen Sirois. I also asked the vice principal, Mr. McDonough, to give me a recommendation letter should I need it.

14. When I notified Ms. Sirois about my rebuttal, she knew nothing about it. She seemed to be my only ally when I told her that I wanted to find another position within Brockton, but away from Mr. Burrell. She informed me of my options and I

subsequently interviewed for two separate positions. When I arrived for the interview of the second position, Mr. Burrell appeared as one of the interviewers on the interviewing board. Two other people there included Mrs. Molanson (Mr. Molanson's wife the Director of Special Education), and Mr. Stack, both of whom follow Mr. Burrell's orders.

15. Mr. McDonough confessed that Mr. Burrell had ordered him not to write me a recommendation. He secretly gave me his phone numbers for his office and his home.

16. Gail Fulginiti is a Moderate Special Needs teacher and is still employed at East Junior High in Brockton. When I first became employed at East, Gail warned me about Mr. Burrell saying he destroys women's lives and one mistake will cost me my job. When Mr. Burrell threatened me, Gail told me to leave as fast as I could before he destroyed my record. She also told me that the person whose place I took felt pressured by Mr. Burrell and left. She alluded to there being several other women in the past that suffered his wrath. I've asked for their names, but she became frightened and would not tell. She said they were very happy to be away from him.

17. Mary Cody, is also a Moderate Special Needs Teacher who works at East. I asked Mary if she knew of any men that had received the same treatment that I had in the past almost three years. She knew of no one. She has worked at East for 15 years. She was fearful of writing me a recommendation letter, but eventually did write me a brief one.

18. One English Teacher, Mrs. Leahy, refused me directly to write a recommendation and said, if he can do this to you, none of us are safe.

19. John F. McDonough, is the Vice-Principal at East. During one of the end-of-the-year staff meetings (June 2002), Mr. McDonough basically insulted Mr. Burrell in front of the entire staff. The discussion was about discipline. Mr. McDonough stated that Mr. Burrell doesn't do a 'damn' thing. Mr. Burrell was present and blushed crimson. I asked several people if anything happened as a result. Gail Fulginiti, Bette Struzik and Linda Parks all said a man could get away with saying anything, especially Mr. McDonough. Mr. Burrell took no action against Mr. McDonough, but in my case made a concerted effort to destroy my career.

20. Linda Parks is the art teacher at East. Linda had her own problems with Mr. Burrell, which I found out about when I went to ask her for a recommendation letter. Before she told me her situation, she told me women had long been treated as 'second class'. She told me there had been a male teacher seven years earlier that came to school drunk and slept in his car in the back of the school, "the Toyota Hotel". She said the men (Mr. Burrell was Vice-Principal then) all laughed about it, but if a woman made the slightest mistake she was in big trouble. Then she told me Mr. Burrell was trying to get rid of her and was harassing her. She was a long time Brockton teacher and had sought union help once before. She told me the union and the administration were 'thick as thieves' and not to expect any help from them. She got help only because of her tenure.

21. Mary Sunstrom is a math teacher at East. I worked with Mary during my first year at East. On the last day of school I went to say goodbye. She had also lost her brother to cancer the prior year and though I did not work with her at the time, I sensed that there was some problem she was having with Mr. Burrell at the same time. She told me that right after her brother died there had been a math department meeting in which

she had expressed her opinion. Mr. Burrell called her in afterward and threatened to suspend her for speaking up. She is also a long time teacher a few years from retiring. Her final comment to me was that a chauvinistic attitude exists at East Junior High in Brockton.

22. Bette-Ann Struzik and Joyce Meaden, are both math teachers at East. Both Bette and Joyce have made several comments about women being treated differently by Mr. Burrell. I saw them in their classes and during team meetings. Both have been in the Brockton system a long time.

23. Starting in February, 2000, I received the first threat from Mr. Burrell. Following that there were the poor evaluations, plan book evaluations, verbal accusations, numerous orders to resign, and even being reprimanded for hall duty, all of which I attempted to address. Some battles I won. Mr. Stack said one of Mr. Burrell's outrageously lopsided evaluations was supposedly thrown out of my permanent file. I'm not sure that is true since I don't know how many files they keep and since my rebuttal never found its way into the proper places.

24. In September of 2002, after my termination, I sought unemployment benefits only to learn that Brockton had in its computer database that I had worked there only three months and that I had left voluntarily, both very false statements.

25. I was subjected to a campaign of harassment by Mr. Burrell who acted willfully and maliciously to harm me professionally. No male teacher was treated in this fashion and women teachers who were also discriminated and harassed left the school where Mr. Burrell was in control.

Subscribed and sworn to under the pains and penalties of perjury this 14th day of
December, 2004.


EIJAH HEWARD